

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1349 of 2020

1. Mohan Patel And Anr. S/o Maniram Patel Aged About 22 Years
2. Mohit Yadav S/o Heeradhar Yadav Aged About 32 Years

Both R/o Village Atang, Police Station Kurud, Tahsil And District
Dhamtari Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of
Police Station Mahasamund District Mahasamund Chhattisgarh

---- Respondent

MCRC No. 1640 of 2020

- Chumman @ Kamal Sonwani S/o Dilip Sonwani Aged About 22
Years R/o Ward No. 7, Ram Mandir Para, Bagbahra, Police
Station And Tahsil- Bagbahra, District- Mahasamund,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station- Mahasamund.

---- Respondent

For Applicants	: Shri Anil Gulati & Shri Vikas Pradhan, Advocates
For Respondent/State	: Shri Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

12/03/2020

As both these M.Cr.C's arise out of the same crime number they
are being disposed of by this common order.

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 70/2020 registered at police station Mahasamund, district Mahasamund (CG) for the offence punishable under Sections 409,448 and 120-B/34 IPC and Section 49-A of the CG Excise Act.

As per case of the prosecution, report was lodged by the Excise Sub Inspector/complainant Madhukar Shyam Harit, PS Mahasamund alleging that on receiving secret information he raided the liquor shop and found ten persons including the applicant mixing water with the liquor after breaking open the sealed bottles and has misappropriated the amount of Rs. 4,16,400/-.

Counsels for the applicants submit that the applicants have been falsely implicated in the crime. It is further submitted that nothing has been seized from their possession except 505 caps of the whiskey bottles, 05 cartons in which 240 empty bottles of Goa Whiskey. It is submitted that similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. Nos. 1404/2020 and 1419/2020 vide order dated 04.03.2020 and therefore the present applicant may also be granted similar benefit. It is submitted that the applicants are in jail since 03.02.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand, learned counsel for the State opposes the bail applications.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants, I am inclined

to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 50,000/- each with one surety in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail subject to the following conditions:

- I) That the applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
- ii) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
- iii) That the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Rajani Dubey)
Judge